

FILED

01/30/2017

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 07-0016

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 07-0016

FILED

JAN 30 2017

IN THE MATTER OF THE RULES OF
APPELLATE PROCEDURE

ORDER *Ed Smith*
CLERK OF THE SUPREME COURT
STATE OF MONTANA

The Court is considering eliminating its appellate review of cases from courts of limited jurisdiction that are courts of record. Such cases are appealable to the district courts under §§ 3-6-110, 3-10-115, and 3-11-110, MCA. It appears to the Court that allowing a second, subsequent appeal to this Court in such a case is redundant, unnecessary to assure the rights of litigants, and an improvident use of legal resources.

The Court proposes to revise M. R. App. P. 6(5) as follows. Language proposed to be stricken from the rule is interlineated, and language proposed to be added is underlined.

Rule 6. Application of these rules.

...

(5) Orders and judgments that are not appealable. Although not exhaustive, the following judgments and orders are among those that are not appealable:

(a) In cases involving multiple parties or multiple claims for relief, an order or judgment which adjudicates fewer than all claims as to all parties, and which leaves matters in the litigation undetermined; subject, however, to the provisions of section (6) of this rule;

(b) Orders denying motions for summary judgment or motions to dismiss, or granting partial summary judgment;

(c) In proceedings regarding abused or neglected children, orders granting temporary investigative authority and/or protective services, and orders of temporary custody;

(d) Judgments or orders made in cases of civil or criminal contempt, except as provided in section (3)(j) of this rule and section 3-1-523;

(e) Orders granting or denying sanctions; ~~and~~

(f) Interlocutory judgments, except as provided in sections (3)(j) and (6) of this rule; and

(g) Judgments from courts of limited jurisdiction that are courts of record, which are subject to appellate review by district courts. Such cases may be brought before the supreme court for review via petition for writ of certiorari or other writ.

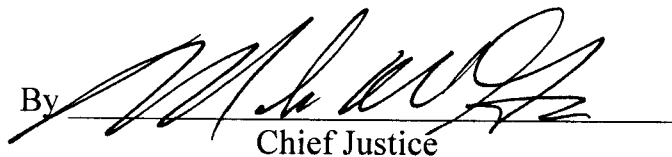
...

IT IS ORDERED that the Court will accept written comments on the above proposed changes to the Montana Rules of Appellate Procedure for a period of 60 days following the date of this Order. All comments shall be filed with the Clerk of this Court.

This Order shall be posted on the Court's website. In addition, the State Bar of Montana is asked to post a link to this Order on its website, and the Clerk is directed to provide copies of this order to the State Bar of Montana and to the Office of the State Public Defender and the Office of the Appellate Defender.

DATED this 25 day of January, 2017.

For the Court,

By 
Chief Justice